

REMARKS

Response to Advisory Action

Applicant respectfully requests reconsideration of the present application based on arguments presented in the Office Action response dated April 20, 2006 and the following additional arguments.

The Advisory Action dated 5/9/06 explains, among other things, that the arguments of the above-referenced response do not place the application in a condition for allowance for several reasons. As Applicant understands, those reasons include (1) Yacoby does teach an underlying structure for the three level nodes, (2) considering that the rejection is a 35 U.S.C §103 rejection, the aspect that there are no nodes lower than the SIC code in Yacoby is not a factor, and (3) that the instant claims do not exclude the use of a telephone number or web page as is a principle of operation in Yacoby.

Applicant address these and other points. First, Applicant notes that Jacoby teaches at col. 7, lines 15-19 “fields” for business category/industrial code, business subcategory, location, and sublocation. Applicant notes that there is no teaching in Yacoby of nodes. Also, there is no teaching in Jacoby that a “tree” software relationship in the form of a parent and child relationship exists between at least three of the “fields”. For example, Jacoby does not teach that there is a tree or any other software inter-relationship between any three of the fields such as between the Jacoby business category/industrial code field, the business subcategory field, and the location field. Applicant thus submits that Jacoby does not teach a tree structure of at least three elements where all three elements are related in a tree as parent and child relationships. In Jacoby, for example, a location field and a sublocation field, although they may be logically related in the human mind, do not represent a software tree structure of at least three nodes where the three nodes are all related in a parent and child relationship as in the independent claims of the present invention. Thus, Application submits that Jacoby does not teach that three levels of nodes, each interrelated as parent and child, are in a software structure. Jacoby simply teaches four “fields”. Thus, the prima facie case of obviousness is not effective because of this missing interrelated node element relationship as recited in the present claims.

Second, Applicant notes that in the independent claims of the present application, there is no lower level than the business directory listings having standard industry codes (SIC) associated therewith. This is a result of the business directory nodes (having the SIC codes) being children of the leaf level nodes which in turn have the business category nodes as parent nodes. Applicant understands that this is relevant to a 35 U.S.C §103 rejection because it is a limitation or element of the claims of the present invention. MPEP §2143 indicates that the prior art references must teach all of the claim limitations. Since the present application has the limitation that the business directory listings having standard industry codes (SIC) associated therewith are the lowest level of nodes and since Jacoby implies that the business category/industrial code is the highest level of field (there being a lower business subcategory field), then the "field" teaching of Jacoby and the recited claim nodes have opposite organizations and opposite limitations. Since Jacoby does not teach the aspect that the business category/industrial code "field" is the lowest level of organization as recited in the claims, then this element is missing from the 35 U.S.C §103 rejection. As such, this missing element limitation is relevant to the 35 U.S.C §103 rejection because the missing element renders the rejection to be an ineffective prima facie case of obviousness via, at least, MPEP §2143.

Third, Applicant agrees that the recited claims do not explicitly exclude the use of a telephone number and interact with a web page as is an object of the invention of Jacoby (See Jacoby at col. 3 lines 30-32 and col. 4 at lines 65.) The claims of the present application are void of the requirement to use telephone numbers to access a web page because the principles of operation of Jacoby and the present claims are different. This simply serves to highlight that one of skill in the art may not be inclined to start with the teachings of Jacoby, which uses a telephone number to find a web page in order to build traffic to build advertisements (see Jacoby Abstract), to derive the invention of the present application according to the recited claims which are directed to a method to register business directory listings and advertisements. Since the recited claims of the present invention do not include a telephone number as required by Jacoby, they lack the major operating principle of Jacoby. Applicant submits that this is an indicator of the difference between the recited claims and the cited art.

There are additional aspects or elements of the recited claims which are not found in Jacoby. One aspect includes the Jacoby failure to teach or suggest that a leaf node level maps

only to the business directory listing as recited in the present claims. Jacoby simply fails to teach such an exclusive node mapping arrangements in the parent and child relationship recited in the present claims. Since this element is not found in Jacoby, then the asserted 35 U.S.C §103 rejection fails to recite all elements of the present claims and cannot form a prima facie case of obviousness per MPEP §2143.

Another aspect or element of the recited claims that is not found in Jacoby is storing the desired business listing and/or advertisement in the directory according to said node tree using at least one of the business categories. Simply, Applicant can find no mention of using a node tree having at least three levels, where each level is interrelated as parent and child, to store a business directory listing in a directory as recited in the present claims. Jacoby is noticeably void of a node tree teaching and the parent/child interrelationship among the at least three levels as recited in the present claims. Accordingly, Jacoby does not teach the element of storing the business directory listing according to the node tree structure. Since Jacoby does not teach this element, a prima facie case of obviousness cannot be made with respect to the present claims.

In summary, Applicant submits that the combination of Jacoby and the Examiner's statements of obviousness do not fully address all aspects of the present claims. Specifically, the asserted 35 U.S.C §103 rejection does not address the failure of Jacoby to teach or suggest the use of a specific software structure of at least three nodes where each node has a parent/child interrelationship, where the business directory listing nodes having SIC codes are the lowest level in the at least three levels of interrelated nodes, where leaf level nodes map only to the business directory listing nodes, and where the business directory listing are stored according to the three level, interdependent, node software structure. Applicant respectfully submits that all elements of the present claims must be found in the prior art or no prima facie case of obviousness can be made under 35 U.S.C §103.


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Accordingly, Applicant respectfully requests reconsideration of the pending claims in the present application.

Respectfully submitted,

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